

Susan -

OCA 3338-89

This is what I
rec'd as the marked-up
version of H.R. 2544.

Patty

The question is, will
they pay for law
school?

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rec'd from Senate Civil Service
14 Sep 89

Per Subcte: adopted at 7 Sep 89 markup:

CCA FILE Leg

AMENDMENT IN THE NATURE OF A SUBSTITUTE

OFFERED BY MR. SIKORSKI to H R 2544

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the ``Public Service Education
3 Assistance Act of 1989``.

4 SEC. 2. DEGREE TRAINING.

5 Chapter 41 of title 5, United States Code, is amended--

6 (1) in section 4107(c), by striking ``This`` and
7 inserting ``Except as provided in subsection (d), this``;
8 and

9 (2) by inserting after section 4107(c) the following:

10 ``(d)(1) The regulations prescribed under section 4118
11 shall include provisions under which an agency may provide
12 training, or payment or reimbursement for the costs of any
13 training, not otherwise allowable under subsection (c), if
14 necessary to assist in the recruitment or retention of
15 employees in occupations in which the Government has or
16 anticipates a shortage of qualified personnel, especially in
17 occupations involving critical skills (as defined under such
18 regulations).

19 ``(2) In exercising any authority under this subsection,

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1 an agency shall, consistent with the merit system principles
2 set forth in paragraphs (1) and (2) of section 2301(b), take
3 into consideration the need to maintain a balanced workforce
4 in which women and members of racial and ethnic minority
5 groups are appropriately represented in Government service.

6 `` (3) No authority under this subsection may be exercised
7 on behalf of any employee occupying or seeking to qualify for
8 any position which is excepted from the competitive service
9 because of its confidential, policy-determining, policy-
10 making, or policy-advocating character.``

11 **SEC. 3. BENEFITS RELATING TO STUDENT LOAN REPAYMENTS.**

12 (a) **GENERALLY.**--Chapter 53 of title 5, United States
13 Code, is amended by adding after section 5375 the following:

14 ``**§5376. Student loan repayments**

15 `` (a) (1) For the purpose of this section--

16 `` (A) the term 'agency' means an agency under
17 subparagraph (A), (B), (C), (D), or (E) of section
18 4101(1); and

19 `` (B) the term 'student loan' means--

20 `` (i) a loan made, insured, or guaranteed under
21 part B of title IV of the Higher Education Act of
22 1965;

23 `` (ii) a loan made under part E of title IV of
24 the Higher Education Act of 1965; and

25 `` (iii) a health education assistance loan made

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1 or insured under part C of title VII of the Public
2 Health Service Act or under part B of title VIII of
3 such Act.

4 ``(2) An employee shall be ineligible for benefits under
5 this section if such employee occupies a position which--

6 ``(A) is excepted from the competitive service
7 because of its confidential, policy-determining, policy-
8 making, or policy-advocating character; or

9 ``(B) is not subject to subchapter III.

10 ``(b)(1) The head of an agency may, in order to recruit
11 or retain highly qualified professional, technical, or
12 administrative personnel, establish a program under which the
13 agency may agree to repay (by direct payments on behalf of
14 the employee) any student loan previously taken out by such
15 employee.

16 ``(2) Payments under this section shall be made subject
17 to such terms, limitations, or conditions as may be mutually
18 agreed to by the agency and employee concerned, except that
19 the amount paid by an agency under this section may not
20 exceed--

21 ``(A) \$6,000 for any employee in any calendar year;

22 or

23 ``(B) a total of \$40,000 in the case of any employee.

24 ``(3) Nothing in this section shall be considered to
25 authorize an agency to pay any amount to reimburse an

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1 employee for any repayments made by such employee prior to
2 the agency's entering into an agreement under this section
3 with such employee.

4 ``(c)(1) An employee selected to receive benefits under
5 this section must agree in writing, before receiving any such
6 benefit, that the employee will--

7 ``(A) remain in the service of the agency for a
8 period specified in the agreement (not less than 3
9 years), unless involuntarily separated; and

10 ``(B) if separated involuntarily on account of
11 misconduct, or voluntarily, before the end of the period
12 specified in the agreement, repay to the Government the
13 amount of any benefits received by such employee from
14 that agency under this section.

15 ``(2) The payment agreed to under paragraph (1)(B) may
16 not be required of an employee who leaves the service of such
17 employee's agency voluntarily to enter into the service of
18 any other agency unless the head of the agency that
19 authorized the benefits notifies the employee before the
20 effective date of such employee's entrance into the service
21 of the other agency that payment will be required under this
22 subsection.

23 ``(3) If an employee who is involuntarily separated on
24 account of misconduct or who (excluding any employee relieved
25 of liability under paragraph (2)) is voluntarily separated

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1 before completing the required period of service fails to
2 repay the amount agreed to under paragraph (1)(B), a sum
3 equal to the amount outstanding is recoverable by the
4 Government from the employee (or such employee's estate, if
5 applicable) by--

6 ``(A) setoff against accrued pay, compensation,
7 amount of retirement credit, or other amount due the
8 employee from the Government; and

9 ``(B) such other method as is provided by law for the
10 recovery of amounts owing to the Government.

11 The head of the agency concerned may waive, in whole or in
12 part, a right of recovery under this subsection if it is
13 shown that recovery would be against equity and good
14 conscience or against the public interest.

15 (4) Any amount repaid by, or recovered from, an
16 individual (or an estate) under this subsection shall be
17 credited to the account from which the amount involved was
18 originally paid.

19 ``(d) An employee receiving benefits under this section
20 from an agency shall be ineligible for continued benefits
21 from such agency if the employee--

22 ``(1) separates from such agency; or

23 ``(2) does not maintain an acceptable level of
24 performance, as determined under standards and procedures
25 which the agency head shall by regulation prescribe.

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1 “(e) In selecting employees to receive benefits under
2 this section, an agency shall, consistent with the merit
3 system principles set forth in paragraphs (1) and (2) of
4 section 2301(b), take into consideration the need to maintain
5 a balanced workforce in which women and members of racial and
6 ethnic minority groups are appropriately represented in
7 Government service.

8 “(f) Any benefit under this section shall be in addition
9 to basic pay and any other form of compensation otherwise
10 payable to the employee involved.

11 “(g) The Office of Personnel Management, after
12 consultation with a representative number and variety of
13 agencies and any other consultation which the Office
14 considers appropriate, shall prescribe regulations containing
15 such standards and requirements as the Office considers
16 necessary to provide for reasonable uniformity among programs
17 under this section.”

18 (b) TABLE OF SECTIONS.--The table of sections for chapter
19 53 of title 5, United States Code, is amended by adding after
20 the item relating to section 5375 the following:

 “5376. Student loan repayments.”